

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SCOTTY ROACH,)
)
Petitioner,) 1:15CV783
) 6:93CR122-2
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

On September 28, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 136, 137.) Petitioner timely filed objections (Doc. 138) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Petitioner's document entitled as a Motion seeking a sentence reduction under 18 U.S.C. § 3582 (Doc. 135) is construed as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, and that this action is dismissed without prejudice for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the Court of Appeals as required by 28 U.S.C. §§ 2555 and 2244 and Fourth

Circuit Local Rule 22(d). Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 28th day of January, 2016.



United States District Judge